



Town of Groton, Connecticut

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Meeting Minutes

Town Council

Mayor James L. Streeter, Councilors Bruce S. Flax, Bill Johnson, Catherine Kolnaski, Deborah B. Monteiro, Frank O'Beirne, Jr., Deborah L. Peruzzotti, Paulann H. Sheets, and Harry A. Watson

Tuesday, January 18, 2011

7:30 PM

Senior Center, Route 117

REGULAR MEETING

I. ROLL CALL

The meeting was called to order at 7:32 p.m. by Mayor Streeter.

Members Present: Mayor Streeter, Councilor Johnson, Councilor Kolnaski, Councilor Monteiro, Councilor O'Beirne, Jr., Councilor Peruzzotti, Councilor Sheets and Councilor Watson

Members Absent: Councilor Flax

Also present were Town Manager Mark Oefinger, Public Works Director Gary Schneider, Thames Street Review Committee Chairman Marian Galbraith, Thames Street Review Committee members, Superintendent of Schools Paul Kadri, Phase II School Design Committee members, RTM members, Board of Education members, Town staff, Town Clerk Betsy Moukawsher and Office Assistant Lori Watrous.

II. SALUTE TO THE FLAG

The Salute to the Flag was led by RTM Representative Keith Hedrick.

III. RECOGNITION, AWARDS & MEMORIALS

2011-0011 Proclamation Recognizing David L. Estep

Read

The proclamation was read by Councilor Watson.

PUBLIC HEARINGS:

Mayor Streeter called a recess for the three Public Hearings on tonight's agenda at 7:36 p.m.

2011-0026 River Road Permanent Repairs

Heard at Public Hearing

The Notice of Public hearing pursuant to a resolution passed by the Town Council was read by Town Clerk Betsy Moukawsher.

Public Works Director Gary Schneider noted that Town Ordinance 200 states, "No road which has been designated as a scenic road under this ordinance shall be altered or improved, including but not limited to, widening of the right-of-way or of the traveled portion of the highway, paving, changes of grade, straightening, removal of stone walls and removal of mature trees, except for good cause determined by the Council after a Public Hearing. The Council shall state the reasons for such future alterations and improvements in its minutes." Mr. Schneider stated that a Town Attorney opinion on the repairs to River Road states that Purcell Associates' guardrail requirements at this location should not be disregarded. He then gave a brief description of the project. River Road was damaged by a storm and the road itself will need to be rebuilt, including drainage, asphalt curbing, guardrails, and clearing a portion of wetlands. The alternatives being considered are: Merritt Parkway-style guardrails which have wood timbers with steel, typical w-shaped guardrails, or an eight-foot clear zone at the edge of the road which would require filling in some of the pond and wetlands area.

Edward R. Johnson, 87 Main Street, Noank, wants to make sure that the road and bridge will be able to accommodate fire trucks and emergency vehicles.

Jane Pillar, 1260 River Road, Mystic, is against the use of Merritt Parkway-style barriers on River Road. She stated that wooden poles and fencing should be used in the areas between the granite walls. Ms. Pillar believes the scenic road should be protected and other alternatives should be looked into.

Jack Pillar, 1260 River Road, Mystic, would like River Road repaired without the use of Merritt Parkway-style guardrails.

Karen Watt, 1291 River Road, Mystic, is opposed to Merritt Parkway-style guardrails, stating that they will create a 220 foot corridor on this narrow road.

Isobel Magee, 1288 River Road, Mystic, does not see any need for a barrier to be erected in front of a stone wall. She noted that if there is a safety concern, the speed limit could be reduced.

Paul T. Terry, 475 River Road, Mystic, does not believe that Merritt Parkway-style barriers should be utilized.

Rosanne Kotowski, 24 Ann Avenue, Mystic, believes that there is no reason for guardrails on this scenic road. She stated that this is a narrow road and the proposed guardrails will not allow pedestrians to move out of the way of traffic.

Michele Peters, 1170 River Road, Mystic, stated that there is no "good cause" to alter this scenic road. She noted that with the number of runners and pedestrians, including children, any alteration would present a liability.

Ken Peters, 1170 River Road, Mystic, stated that the proposed guardrails are ugly and would detract from the scenic road. He is concerned by the installation costs associated with these guardrails, maintenance/repair costs, and the impact to the scenic nature of the road. Mr. Peters remarked that the Connecticut Department of Transportation (DOT) Design Manual states that each project should fit into the context of the area and maintain its character.

Wanda Tillman, 924 River Road, Mystic, remarked that with the amount of hikers and joggers on River Road that it is already difficult to drive a car and with the proposed guardrails it will be impossible to safely pass these individuals.

There being no further comments, Mayor Streeter closed the Public Hearing at 8:18 p.m.

2011-0022**Public Hearing on Thames Street Rehabilitation Program Ordinance**

PUBLIC HEARING ON AN ORDINANCE APPROPRIATING \$6,375,505 FOR THE THAMES STREET REHABILITATION PROGRAM AND AUTHORIZING THE ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT TO FINANCE SAID APPROPRIATION

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GROTON:

Section 1. That the sum of SIX MILLION THREE HUNDRED SEVENTY-FIVE THOUSAND FIVE HUNDRED AND FIVE DOLLARS (\$6,375,505) is appropriated for design and rehabilitation of Thames Street and intersections of adjoining streets from Bridge Street to Eastern Point Road and Smith Street. The project shall include clearing and excavation; reconstruction, milling or recycling of existing pavement and base materials, installation of new asphalt paving; installation or reconstruction of curbing, sidewalks, guardrails, handicap ramps; rebuilding, construction of, and repairs to retaining walls; reconstruction and new installation of storm drainage systems; relocation or reconstruction of other necessary utilities; traffic signal upgrades; installation of street lighting and landscaping and related improvements. The Town Council may

reduce or modify the scope of the project and the entire appropriation may be spent on the project as so reduced or modified. The appropriation may be spent for design, construction management and construction costs, equipment, materials, site improvements, environmental remediation, easement acquisition, engineering fees, land survey fees, legal fees, net interest on borrowings and other financing costs, and other expenses related to the project or its financing.

Section 2. That the Town issue bonds or notes, in an amount not to exceed SIX MILLION THREE HUNDRED SEVENTY-FIVE THOUSAND FIVE HUNDRED AND FIVE DOLLARS (\$6,375,505) to finance the appropriation for the project. The bonds or notes shall be issued pursuant to Section 7-369 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be secured by the irrevocable pledge of the full faith and credit of the Town of Groton. The Town does hereby covenant and agree with the holders of the bonds or notes and all notes issued in anticipation of the receipt of the proceeds from the sale of such bonds or notes that in each year while any such bonds or notes are outstanding, it will levy and collect ad valorem taxes upon all taxable properties within the Town in an amount sufficient, with such other funds of the Town as shall be available for such purpose, to pay the interest and principal on the bonds or notes as the same become due and payable.

Section 3. That the Town issue and renew temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes for the project. The amount of the notes outstanding at any time shall not exceed SIX MILLION THREE HUNDRED SEVENTY-FIVE THOUSAND FIVE HUNDRED AND FIVE DOLLARS (\$6,375,505). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended. The notes shall be secured by the irrevocable pledge of the full faith and credit of the Town, payable as provided in Section 2. The Town shall comply with the provisions of Section 7-378a of the General Statutes with respect to any notes that do not mature within the time permitted by said Section 7-378.

Section 4. That the Town Council shall determine the amount of bonds or notes authorized by Section 2 to be sold. The Town Manager and the Director of Finance shall determine the amount of any temporary notes authorized by Section 3 to be sold. The Town Manager and the Director of Finance of the Town shall sign any bonds or notes by their manual or facsimile signatures. The law firm of Day Pitney LLP is designated as bond counsel to approve the legality of the bonds or notes. The Town Manager and the Director of Finance are authorized to determine the dates, interest rates, maturities, redemption provisions, form and other details of the bonds or notes; to provide for the keeping of a record of the bonds or notes; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds or notes; to designate a financial advisor to the Town in connection with the sale of the bonds or notes; to sell the bonds or notes at public or private sale; to deliver the bonds or notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes.

Section 5. That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 and, if applicable, pursuant to Section 54A(d) of the Internal Revenue Code of 1986, as amended, that (except to the extent reimbursed from grant moneys) project costs may be paid from temporary advances of available funds and that the Town reasonably expects to reimburse any such advances from the proceeds of borrowings, including qualified tax credit bonds, in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Town Manager and the Director of Finance are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes authorized by this ordinance if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

Section 6. That the Town Manager and the Director of Finance are authorized to make representations and enter into written agreements for the benefit of holders of the bonds or notes to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds or notes.

Section 7. That the Town Manager, the Director of Finance, and other proper officers of the Town are authorized to take all other action which is necessary or desirable to complete the project and to issue bonds or notes to finance the aforesaid appropriation.

Section 8. This ordinance shall become effective only if it has been adopted by vote of not less than five (5) members of the Town Council and by the Representative Town Meeting, and only if the appropriation set forth in Section 1 and the issuance of bonds and notes to finance said appropriation have been approved by the voters at referendum in accordance with Sections 5.5.5.1 and 9.13 of the Town Charter, and notice of passage has been published in accordance with the provisions of the Town Charter.

Heard at Public Hearing

The Notice of Public hearing pursuant to a resolution passed by the Town Council was read by Town Clerk Betsy Moukawsher.

Thames Street Review Committee Chairman Marian Galbraith gave a brief overview, stating that every area of the project was reduced in cost. Test pits were made in various locations, and each area of the road will be treated differently according to its makeup. She recommended that the project move forward to achieve a safe and structurally sound road.

Edward R. Johnson, 87 Main Street, Noank, believes that Thames Street is unsafe in some areas and needs to be reconstructed.

John Curtiss, 710 Noank Road, believes that Thames Street should be repaired for safety reasons.

Peter Weissgarber, 663 Shennecossett Road, has no objection to Thames Street being fixed, but does object to any increase in taxes. He believes that the project could be reduced in price even further.

Andrew Parrella, 790 Eastern Point Road, thinks that the Phase II referendum should be on the November ballot in order to separate these two referendums. He noted that this is a terrible time for expenditures, but the repairs to Thames Street are long overdue.

Keith Hedrick, 156 Shennecossett Parkway, a member of the RTM, is in support of the Thames Street project. He noted that federal funds will repair two collapsed retaining walls, but there are other retaining walls that require repair or replacement before they also collapse.

Jim Bates, 11 Conrad Street, Mystic, lends his support on behalf of the Groton Business Association. He stated that it is a public safety issue and businesses in that area are at a disadvantage due to the current road conditions. Mr. Bates believes that the project should move forward.

Susan Bailey, 123 Monument Street, stated that traffic patterns have shifted due to the condition of Thames Street and it is only a matter of time before Smith Street will need repairs. She remarked that Thames Street is a constant challenge to employees, customers, and residents due to access and safety issues. Ms. Bailey supports this project.

William Price, 45 Harvard Lane, is opposed to the Thames Street project because taxpayers simply do not have the money.

Kevin Trejo, 536 Shennecossett Road, voiced his support for the project and stated that he is on the committee to educate citizens.

Rosanne Kotowski, 24 Ann Avenue, believes that this project is worthwhile and that the committee has done an outstanding job, but she does not believe that taxes should be raised for any reason at this time.

Ralph Scott, 190 Thames Street, stated that the road must be taken care of because paving in patches is not effective. He noted that some of the traffic can be rerouted to Mitchell Street and Clarence B. Sharp Highway.

Robyn Hoffman, 142 Thames Street, a Thames Street Review Committee member, stated that the committee did receive feedback from the community via a survey. The committee eliminated beautification and focused on repairs to the road so that it will be viable to use. She encouraged citizens to read the committee's report.

Brent Eugenides, 142 Thames Street, sees safety as the primary reason to get this project completed. Since the road has collapsed on both sides, drivers tend to drive closer to the center of the road and this presents an additional safety concern. He supports this project.

Bob Westhaver, 809 Shennecossett Road, supports this project. He recommended that the Council initiate a plan for strategic road maintenance so that other roads do not deteriorate to this extent.

Archie Swindell, 192 Monument Street, a member of the RTM, stated that Thames Street is a unique part of Groton and has great potential for businesses, restaurants, and shops. Currently, there are empty storefronts that, if filled, could be another tax source for the Town.

Matthew Shafner, 90 Jupiter Point Road, believes that in its current state Thames Street presents liability issue for the Town. Retaining walls have already collapsed and there is no option when it comes to public safety.

John Sutherland, 32 Neptune Drive, stated that with current interest rates, this is the perfect time for construction. He is in favor of the project.

Mark Somers, 67 Ramsdell Street, remarked that he wants to live, work, eat, and recreate in the same area. He noted that if new businesses move to Thames Street there will be growth, and growth will pay the bills.

Randy Burke, 120 Gold Star Highway, stated that the roads must still be able to accommodate emergency vehicles, so Thames Street should not get any narrower.

Genevieve Cerf, 17 Crescent Street, remarked that heavy traffic should be rerouted after the completion of the project so that Thames Street will not be ruined again.

There being no further comments, Mayor Streeter closed the Public Hearing at 9:02 p.m.

2011-0023**Public Hearing on Phase II School Facilities Program Ordinance**

PUBLIC HEARING ON AN ORDINANCE APPROPRIATING \$133,481,150 FOR THE PHASE II SCHOOL FACILITIES PROGRAM AND AUTHORIZING THE ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT TO FINANCE SAID APPROPRIATION

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GROTON:

Section 1. That the sum of ONE HUNDRED THIRTY-THREE MILLION FOUR HUNDRED EIGHTY-ONE THOUSAND ONE HUNDRED FIFTY DOLLARS (\$133,481,150) is appropriated for costs related to implementation of the Phase II School Facilities Program, consisting of the design, construction, demolition, expansion, renovation, relocation, equipping and furnishing of various of the Town's school facilities in connection with the restructuring of the Groton School District's grade level structure to Pre-K through Grade 1, Grades 2 through 6, Grades 7 through 8 and Grades 9 through 12, to be housed in two early education centers, five intermediate elementary schools, one middle school, and one senior high school, such project contemplated to include:

(a) construction of a new middle school serving all grade 7 and 8 pupils at the Claude B. Chester

Elementary School site, located off of US Route 1 and CT State Route 117 in the central part of Groton, contemplated to include the demolition of the present school building, the construction of an approximately 143,500 square foot building including thirty-three classrooms, six science labs, twenty art classrooms, three music classrooms, two technology education labs, six computer labs, eight small group instruction centers, full double court gymnasium, locker rooms, weight room, auditorium to seat 400, library, school based health clinic, cafeteria, kitchen, administrative space and other educational/building support areas, with heating and cooling provided by a ground source hybrid geothermal heat pump system with integrated energy recovery systems, construction of physical education playfields (including one all weather field), access drives, parking and subsurface storm water management systems, and related work and improvements (estimated cost of \$64,697,032);

(b) renovation of the Carl C. Cutler Middle School, located at 160 Fishtown Road in Mystic, to become an intermediate elementary school facility serving grades 2 through 6, contemplated to include renovations necessary to convert approximately 15,000 square feet of the building from middle school specific spaces to elementary classroom uses, parking improvements, code-required building upgrades, and related work and improvements (estimated cost of \$5,242,188);

(c) renovations and additions to the West Side Middle School, located at 250 Brandegee Avenue in the City of Groton, to become an early education center serving Pre-K through Grade 1, contemplated to include renovations to 76,000 square feet of the existing building and an addition of approximately 11,700 square feet to provide a total of 35 classrooms arranged within three clusters of autonomous "learning communities", as well as an art classroom, music classroom, four small group instructional rooms, school based health clinic, along with kitchen, multipurpose room, administration/building support areas, and related work and improvements (estimated cost of \$23,037,357);

(d) construction of an early education center serving Pre-K through Grade 1, to be located at the current site of the present S.B. Butler Elementary School at 155 Oceanview Avenue in Mystic, contemplated to include construction of a new 79,700 square foot facility and the subsequent demolition of the present school building, the new facility to include a total of 35 classrooms arranged within three clusters of autonomous "learning communities", as well as an art classroom, music classroom, four small group instructional rooms, school based health clinic, along with kitchen, multipurpose room, administration/building support areas, with heating and cooling provided by a ground source hybrid geothermal heat pump system with integrated energy recovery systems, and related work and improvements (estimated cost of \$36,143,070); and

(e) construction of an all-weather artificial sports field and related improvements to be located on the site of the current football field at Fitch Senior High School, located at 101 Groton Long Point Road in Groton (estimated cost of \$1,002,766); and

costs related to the financing thereof (estimated at \$3,358,737). The appropriation may be spent for design, construction and demolition costs, equipment, furnishings, materials, land or easement acquisition, necessary utilities, site improvements, parking, road and sidewalk improvements to and on the school sites, architects' fees, engineering fees, construction management fees, legal fees, storage, temporary space, moving and other relocation and facility closure costs, net interest on borrowings and other financing costs, and other expenses related to the project or its financing. The Town anticipates receiving State school building construction project grants in the estimated amount of 51.4 % of eligible project costs to defray in part the appropriation.

The Town Council shall, with Board of Education input, review and approve project phasing. The Town Council, or its designee, shall approve the final concept for each school project and may allocate the appropriation between the separate school projects as needed to pay the costs thereof. The Town Council may reduce or modify the scope of any element of the project and may delete elements of the project if funds are insufficient to complete the entire project. The entire appropriation may be expended on the project as so reduced or modified.

Section 2. That the Town issue bonds or notes, in an amount not to exceed ONE HUNDRED THIRTY-THREE MILLION FOUR HUNDRED EIGHTY-ONE THOUSAND ONE HUNDRED FIFTY DOLLARS (\$133,481,150) to finance the appropriation for the project. The amount of

bonds or notes authorized to be issued shall be reduced by the amount of grants received by the Town for the project. The bonds or notes shall be issued pursuant to Sections 7-369 and 10-289 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be secured by the irrevocable pledge of the full faith and credit of the Town of Groton. The Town does hereby covenant and agree with the holders of the bonds or notes and all notes issued in anticipation of the receipt of the proceeds from the sale of such bonds or notes that in each year while any such bonds or notes are outstanding, it will levy and collect ad valorem taxes upon all taxable properties within the Town in an amount sufficient, with such other funds of the Town as shall be available for such purpose, to pay the interest and principal on the bonds or notes as the same become due and payable.

Section 3. That the Town issue and renew temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes for the project or the receipt of grants for the project. The amount of the notes outstanding at any time shall not exceed ONE HUNDRED THIRTY-THREE MILLION FOUR HUNDRED EIGHTY-ONE THOUSAND ONE HUNDRED FIFTY DOLLARS (\$133,481,150). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended. The notes shall be secured by the irrevocable pledge of the full faith and credit of the Town, payable as provided in Section 2. The Town shall comply with the provisions of Section 7-378a of the General Statutes with respect to any notes that do not mature within the time permitted by said Section 7-378.

Section 4. That the Town Council shall determine the amount of bonds or notes authorized by Section 2 to be sold. The Town Manager and the Director of Finance shall determine the amount of any temporary notes authorized by Section 3 to be sold. The Town Manager and the Director of Finance of the Town shall sign any bonds or notes by their manual or facsimile signatures. The law firm of Day Pitney LLP is designated as bond counsel to approve the legality of the bonds or notes. The Town Manager and the Director of Finance are authorized to determine the dates, interest rates, maturities, redemption provisions, form and other details of the bonds or notes; to provide for the keeping of a record of the bonds or notes; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds or notes; to designate a financial advisor to the Town in connection with the sale of the bonds or notes; to sell the bonds or notes at public or private sale; to deliver the bonds or notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes.

Section 5. That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 and, if applicable, pursuant to Section 54A(d) of the Internal Revenue Code of 1986, as amended, that (except to the extent reimbursed from grant moneys) project costs may be paid from temporary advances of available funds and that the Town reasonably expects to reimburse any such advances from the proceeds of borrowings, including qualified tax credit bonds, in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Town Manager and the Director of Finance are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes authorized by this ordinance if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

Section 6. That the Town Manager and the Director of Finance are authorized to make representations and enter into written agreements for the benefit of holders of the bonds or notes to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds or notes.

Section 7. That the Board of Education is authorized to apply for and accept state grants for the project. The Board of Education is authorized to file applications with the State Board of Education, to execute grant agreements for the project, and to file such documents as may be required by the State Board of Education to obtain grants for the costs of financing the project.

Section 8. That the Town Manager, the Director of Finance, the Board of Education and other

proper officers of the Town are authorized to take all other action which is necessary or desirable to complete the project and to issue bonds or notes to finance the aforesaid appropriation.

Section 9. This ordinance shall become effective only if it has been adopted by vote of not less than five (5) members of the Town Council and by the Representative Town Meeting, and only if the appropriation set forth in Section 1 and the issuance of bonds and notes to finance said appropriation have been approved by the voters at referendum in accordance with Sections 5.5.5.1 and 9.13 of the Town Charter, and notice of passage has been published in accordance with the provisions of the Town Charter.

Heard at Public Hearing

The Notice of Public hearing pursuant to a resolution passed by the Town Council was read by Town Clerk Betsy Moukawsher.

Superintendent of Schools Paul Kadri gave a brief presentation on the Phase II School Facilities Program which includes two Early Childhood Centers and a new centralized Middle School. He believes that with the current interest rates and construction costs, now is the time to proceed with Phase II.

Edward R. Johnson, 87 Main Street, believes that Phase II is a mistake, and that the Town should maintain existing buildings more effectively. Mr. Johnson stated that Claude Chester suffers from flooding problems on Route 117 and the nearby athletic field, and there are also traffic concerns on Route 1 when I-95 is closed due to accidents. He noted that with the consolidation of schools there will be a need for more buses resulting in more expenses. Mr. Johnson remarked that we owe future generations a quality education, not a new school.

John Curtiss, 710 Noank Road, stated that there are fewer students in the school system than during the "baby boomer" era and feels that State and Federal money will disappear this year. He believes that more budget cuts are needed.

Sally Whitney, 52 Division Street, an employee of the Town of Groton, believes that the cost for the Phase II school construction is outrageous and does not feel that this immense debt should be added to the burden of local taxpayers. Ms. Whitney is concerned that if Phase II passes, the operations budget will be decreased significantly, resulting in more layoffs and further cuts in services and programs. She requested that Phase II not be sent to voters in May.

Randy Burke, 120 Gold Starr Highway, stated that citizens cannot afford Phase II.

Tim Plungis, 90 Lamphere Road, Mystic, remarked that spending over \$100 million on a school project when people are already struggling to pay property taxes is irresponsible. With tax increases year after year, Mr. Plungis is concerned that citizens will relocate.

Ralph Whitney, 52 Division Street, is concerned that an area at Claude Chester is marked for bio remediation, but there is nothing budgeted for removal of hazardous waste. He noted that additional buses will be needed, and parents who live within "walking distance" will be transporting their very young children to school, resulting in a hidden expense for those parents. Mr. Whitney remarked that if the RTM tries to offset tax increases for this project by cutting operating expenses and employees, they would need to lay off about 125 people to balance this expense. He stated that the Town should not push through an ill-conceived project, and that there is always the option of sending the proposal back to the committee for revision.

Archie Swindell, 192 Monument Street, an RTM member on the Education Committee, would like citizens to keep an open mind. He stated that there are good reasons to think that this is the time to improve our schools.

Peter Weissgarber, 663 Shennecossett Road, is concerned that State contributions towards new

schools will decrease or be eliminated due to budget cuts and he cannot afford any increases in property taxes.

Ed Eckelmeyer, 75 High Street, Noank, would rather see more gifted teachers instead of new buildings. He believes that neighborhood schools are valuable and that preschool should be left to private facilities.

Clyde Gordon, 314 Noank Ledyard Road, Mystic, would like to know how new buildings will improve educational results. He stated that taxpayers cannot afford Phase II and the Town should maintain the schools that it currently has.

Andrew Parrella, 790 Eastern Point Road, stated that the project is too expensive and believes that the referendum should be delayed until the fall. Mr. Parrella also stated that Town offices should be moved to Fitch Middle School to centralize departments.

Michael Kane, 51 Jupiter Point Road, a member of the Planning Commission and the Phase II School Design Committee, remarked that several properties were looked at before choosing Claude Chester for the middle school, and he believes that it is the best site. He stated that the plan will decrease the cost of educating middle school students and allow comprehensive early childhood education.

Geoff Gordon, 488 New London Road, Mystic, is against preschool being included in this proposal. He believes that it will put private facilities out of business and that taxpayers should not have to incur this cost.

Ed Ettinger, 174 Cedar Road, Mystic, noted that if adopted, this proposal will double the Town's debt service and he wonders how the education budget will be reduced so that it does not take away more from the Town operations budget. Furthermore, he does not believe that the Town will receive funding from the State or Federal Government, and that the taxpayer will be absorbing the entire bill.

Brian Shirvell, 290 High Street, Mystic, a member of the Phase II School Design committee, is in support of the committee's recommendations. He stated that the middle school should be in a central location and that the Town Council determined that Phase II should include Pre-K thru Grade 12.

Claiborne VanZandt, 3 Front Street, stated that school buildings have deteriorated over the years to the point that they either cannot be fixed or will be very expensive to fix. He believes that the quality of education should be discussed, not the buildings.

Kevin Trejo, 536 Shennecossett Road, does not approve of the Claude Chester site. He noted that there are still many questions about the proposal and he cannot support the committee recommendations at this time.

Natalie Billing, 15 Ashby Street, stated that most people consider preschool to be nursery school, and the funding should not come from property taxes. Until the State and Federal Government are prepared to pay at least 50% of this cost, local taxpayers should not be burdened with this expense. She remarked that 12-13 year-olds need to be in smaller schools, not one large middle school. Ms. Billing supports renovating some of the older buildings rather than building all new schools.

Rosanne Kotowski, 24 Ann Avenue, Mystic, encouraged voters to vote "no" to Phase II. The harsh economic reality is that taxpayers cannot afford any increase in taxes. She is outraged that Astro Turf for the High School is included in the recommendations from the committee, as it was

rejected by the RTM last year. Ms. Kotowski is also concerned that the Poquonnock Plains Park entrance will be the entrance to an 800-student middle school as well. Poquonnock Plains Park is one of the best uses of taxpayer dollars that she has seen, and she does not want it to be taken over by the Board of Education.

Genevieve Cerf, 17 Crescent Street, stated that the general consensus is not to borrow money at this time, but suggested that if the referendum proceeds, the question on the ballot should include a phrase that approval is based on the State providing at least 50% of the proposed amount.

Zell Steever, 81 Main Street, Task Force on Climate Change and Sustainable Community Chairman, requested that, if the referendum on Phase II is passed, the new schools be energy neutral buildings that do not utilize fossil fuels.

Bobbi Jo Cini, 316 Groton Long Point Road, stated that when Noank School was closed, the public was told that there were mold and major boiler problems at the school, yet the Temporary Senior Center was there for two years. Yale has buildings over 100 years old and they are still utilizing the buildings. She stated that what matters is teachers, not new buildings.

John Sutherland, 32 Neptune Drive, thinks that voters should take their time and learn about the project before making their decisions.

Bob Westhaver, 809 Shennecossett Road, feels that more information is needed regarding what improvements in education will result from this project.

Todd Brown, 25 Crescent Street, loves the idea of a new school, but there are economic realities. Children need a good education, but taxpayers cannot afford this project.

Oliver Porter, 44 Main Street, Noank, stated that interest rates are low, but wonders if the Town should wait. He remarked that there needs to be a commitment from the State for funding the project.

Jennifer Sim, 309 Gold Starr Highway, a member of the Board of Education, stated that the Town is already paying for students that are not educated before Kindergarten in the form of increased services once they get into the school system.

Dexter Holaday, 59 Sylvan Street, Noank, noted that Eton College has some extremely old buildings that continue be used and that many successful people have graduated from there.

There being no further comments, Mayor Streeter closed the Public Hearing at 10:39 p.m.

Recess

The Mayor called for a short recess and the meeting reconvened at 10:50 p.m.

IV. RECEIPT OF CITIZENS' PETITIONS, COMMENTS AND CONCERNS

Rosanne Kotowski, 24 Ann Avenue, read an email on behalf of Kristine Paul and Timothy Murray, 44 Indigo Street, Mystic, opposing Phase II due to the economy. Ms. Paul and Mr. Murray noted that families are living week-to-week as it is, and that the Town can continue to use the current school buildings until the economy gets back on track.

V. RESPONSES TO CITIZENS' PETITIONS, COMMENTS AND CONCERNS

None.

VI. CONSENT CALENDAR

a. Approval of Minutes

2011-0021 Approval of Minutes (Town Council)

RESOLUTION ACCEPTING TOWN COUNCIL MINUTES

RESOLVED, that the minutes of the Town Council meeting of January 4, 2011 are hereby accepted and approved.

This Matter was Adopted on the Consent Calendar.

b. Administrative Items**2011-0013 Special Trust Fund Contributions**

RESOLUTION ACCEPTING SPECIAL TRUST FUND CONTRIBUTIONS

RESOLVED, that the Town Council hereby accepts contributions to the Town as follows:

Susan Decorte McMillan - \$250.00 - Parks and Recreation Revolving

Various Donations - \$275.55 - Parks and Recreation Revolving

Marie Shaw - \$200.00 - Library Discretionary

This Matter was Adopted on the Consent Calendar.

c. Deletions from the Town Council Referral List**2007-0042 Jurisdictional Issues Over Watershed Lands**

This Matter was Deleted from Referral List - No further action on the Consent Calendar.

2008-0034 Remediation of Town Land

This Matter was Deleted from Referral List - No further action on the Consent Calendar.

2010-0002 Unaffiliated and Other Appointments (2010 Standing Referral)

This Matter was Deleted from Referral List - No further action on the Consent Calendar.

2010-0003 Republican Town Committee Appointments (2010 Standing Referral)

This Matter was Deleted from Referral List - No further action on the Consent Calendar.

2010-0004 Democratic Town Committee Appointments (2010 Standing Referral)

This Matter was Deleted from Referral List - No further action on the Consent Calendar.

2010-0005 Pending Litigation (2010 Standing Referral)

This Matter was Deleted from Referral List - No further action on the Consent Calendar.

2010-0006 Joint Meeting with City of Groton (2010 Standing Referral)

This Matter was Deleted from Referral List - No further action on the Consent Calendar.

2010-0007 Joint Meeting with Board of Education (2010 Standing Referral)

This Matter was Deleted from Referral List - No further action on the Consent Calendar.

2010-0008 Joint Meeting with Groton Long Point Board of Directors (2010 Standing Referral)

This Matter was Deleted from Referral List - No further action on the Consent Calendar.

2010-0009 Joint Meeting with Stonington Board of Selectmen (2010 Standing Referral)

This Matter was Deleted from Referral List - No further action on the Consent Calendar.

2010-0021 Labor Negotiations (2010 Standing Referral)

This Matter was Deleted from Referral List - No further action on the Consent Calendar.

2010-0082 Revised Position Descriptions (2010 Standing Referral)

This Matter was Deleted from Referral List - No further action on the Consent Calendar.

2010-0153 Sales Tax on Commercial Solid Waste Collection

This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.

2010-0241 Probate Court Update

This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.

- 2010-0271 **Agreement with Stonington Ambulance Corps, Inc.**
This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.
- 2011-0015 **Appointment of June Evered to Parks and Recreation Commission**
This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.
- 2011-0016 **Appointment of Bob Frink to Permanent School Building Committee**
This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.
- 2011-0017 **Reappointment of Margaret Frase to Housing Authority**
This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.
- 2011-0018 **Reappointment of Ranjna Bindra to Library Board**
This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.
- 2011-0019 **Reappointment of Judy Leonard to Library Board**
This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.
- 2011-0020 **Reappointment of Jeffery Blevens to Jabez Smith House Committee**
This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.
- 2011-0022 **Public Hearing on Thames Street Rehabilitation Program Ordinance**
This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.
- 2011-0023 **Public Hearing on Phase II School Facilities Program Ordinance**
This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.
- 2011-0025 **Scheduling of Pre-Budget Public Hearing on FYE 2012 Budget**
This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.

Passed The Consent Calendar

A motion was made by Councilor Watson, seconded by Councilor Monteiro, to adopt the Consent Calendar, including all the preceding items marked as having been adopted on the Consent Calendar.
The motion carried unanimously

VII. COMMUNICATION REPORTS (Other than Committee Reports)

a. Town Councilors

Councilors received communications regarding the three Public Hearings on tonight's agenda: River Road Permanent Repairs, the Thames Street Rehabilitation Program Ordinance, and the Phase II School Facilities Program Ordinance.

Councilor Kolnaski attended a Ledge Light Health District meeting.

Mayor Streeter attended a breakfast meeting with the CEO of Electric Boat.

b. Clerk of the Representative Town Meeting

The RTM regular meeting has been rescheduled to a special RTM meeting on January 26, 2011.

c. Clerk of the Council

No report.

d. Town Manager

No report.

e. Town Attorney

No report.

VIII. COMMITTEE REPORTS

a. Community & Cultural Development - Chairman Peruzzotti

No meeting, no report.

b. Economic Development - Chairman Johnson

No meeting, no report.

c. Education/Health & Social Services - Chairman Kolnaski

No meeting, no report.

d. Environment/Energy - Chairman Sheets

No meeting, no report.

e. Finance - Chairman O'Beirne

No meeting, no report.

f. Personnel/Appointments/Rules - Chairman Flax

Councilor Watson read the minutes of January 11, 2011, which are on file in the Town Clerk's Office.

g. Public Safety - Chairman Monteiro

No meeting, no report.

h. Public Works/Recreation - Chairman Watson

No meeting, no report.

i. Committee of the Whole - Mayor Streeter

No report.

IX. UNFINISHED BUSINESS

None.

X. NEW BUSINESS**2010-0153 Sales Tax on Commercial Solid Waste Collection**

RESOLUTION AUTHORIZING THE PAYMENT "UNDER PROTEST" OF THE SALES TAX LIABILITY ON COMMERCIAL REFUSE ACCOUNTS.

WHEREAS, in June 2010 the State Department of Revenue Services informed the Town that it was selected and scheduled for a Sales and Use Tax Audit pertaining to billings associated with commercial refuse accounts, and

WHEREAS, the State's position is that the commercial refuse program is a taxable service to end users and the sales tax should have been collected since the inception of the program in 1999, and

WHEREAS, due to the Statute of Limitations, the State audit will go back to May 2007 through August 2010, and

WHEREAS, in July 2010 the Town sent a letter to 370 commercial refuse accounts informing them of the upcoming State sales tax audit, the Town's disagreement with the State's position and plans to seek redress through the appropriate channels of administrative appeal and to have the issue of sales tax liability decided in a proper forum, and

WHEREAS, the Town agreed to proceed with the audit under the State's Managed Audit Program requiring Town staff to assist in the audit in order to minimize interest charges, and

WHEREAS, the State has completed their audit and in December 2010 issued an Audit Determination that the sales tax liability is \$207,715.43 for the audit period, and

WHEREAS, the State has also imposed interest of 1% per month on that sales tax liability for a net interest charge of \$33,150.63 for a total liability of \$240,866.06, and

WHEREAS, if the total sales tax liability is not paid by January 31, 2011, an additional interest charge of 1% per month will be applied to the liability, now therefore be it

RESOLVED, that the Town Council authorizes the payment, under protest, of the sales tax liability of \$240,866.06 from the Solid Waste Fund in order to avoid paying additional interest and not to bill the commercial refuse users and to pursue an appeal of the State Department of Revenue Services' Audit Determination, and be it further

RESOLVED, that this item is referred to the RTM under Rule 6.5.3 so as to avoid paying any further interest and/or penalties.

Refer to RTM.

A motion was made by Councilor Monteiro, seconded by Councilor Kolnaski, that this matter be Adopted and referred under Rule 6.5.3 to the Representative Town Meeting, due back on January 26, 2011.

The motion carried unanimously

2010-0241

Probate Court Update

RESOLUTION ESTABLISHING A SYSTEM FOR CALCULATING REGIONAL PROBATE COSTS TO MUNICIPALITIES

WHEREAS, the State of Connecticut has regionalized the Probate Court System, and

WHEREAS, Groton has been selected to serve as the location for the new regional court serving Groton, Stonington, North Stonington, and Ledyard, and

WHEREAS, the four towns will need to continue to provide annual financial support for the court, and

WHEREAS, the Groton Town Council believes the most equitable way to assess each community's share would be with a per capita formula, now therefore be it

RESOLVED, that Regional Probate Court municipal expenses for the four towns being served be prorated on a per capita formula; that annual "lease" and maintenance costs associated with the space that Groton provides be made part of this calculation; and be it further

RESOLVED, that renovation costs that the Town has incurred in order to make ready the space for the Regional Court be prorated on a per capita basis and that Stonington, North Stonington and Ledyard be asked for reimbursement.

A motion was made by Councilor Sheets, seconded by Councilor Kolnaski, that this matter be Adopted.

The motion carried unanimously

2010-0271

Agreement with Stonington Ambulance Corps, Inc.

RESOLUTION APPROVING A MEMORANDUM OF AGREEMENT WITH STONINGTON AMBULANCE CORPS, INC. FOR PROVISION OF EMERGENCY COMMUNICATION SERVICES

WHEREAS, the Town of Groton maintains and operates the Groton Emergency Communication Center that provides emergency communication services to a number of emergency service providers, including those that serve portions of the Town of Stonington, and

WHEREAS, the Stonington Ambulance Corps, Inc. wishes to have the Groton Emergency Communication Center provide centralized, coordinated emergency communications services for the portion of the Town of Stonington served by Stonington Ambulance Corps, and

WHEREAS, the Town Attorney has developed a Memorandum of Agreement that outlines the terms for provision of emergency communication services by the Town to Stonington Ambulance Corps, now therefore be it

RESOLVED, that the Town Council authorizes Town Manager Mark R. Oefinger to sign a Memorandum of Agreement for Provision of Emergency Communication Services by and between the Town of Groton and Stonington Ambulance Corps, Inc.

A motion was made by Councilor Peruzzotti, seconded by Councilor Watson, that this matter be Adopted.

The motion carried unanimously

A motion to approve Resolutions 2011-0015 Appointment of June Evered to Parks and Recreation Commission, 2011-0016, Appointment of Bob Frink to Permanent School Building Committee, 2011-0017 Reappointment of Margaret Frase to Housing Authority, 2011-0018 Reappointment of Ranjna Bindra to Library Board, 2011-0019 Reappointment of Judy Leonard to Library Board, and 2011-0020 Reappointment of Jeffery Blevens to Jabez Smith House Committee was made by Councilor Watson, seconded by Councilor Peruzzotti and so voted unanimously.

2011-0015 Appointment of June Evered to Parks and Recreation Commission

RESOLUTION APPOINTING JUNE EVERED TO THE PARKS AND RECREATION COMMISSION

RESOLVED, that June I. Evered, 86 Buddington Road #6, is hereby appointed as a member of the Parks and Recreation Commission for a term ending 12/31/13.

A motion was made by Councilor Watson, seconded by Councilor Peruzzotti, that this matter be Adopted.

The motion carried unanimously

2011-0016 Appointment of Bob Frink to Permanent School Building Committee

RESOLUTION APPOINTING BOB FRINK TO THE PERMANENT SCHOOL BUILDING COMMITTEE

RESOLVED, that Bob Frink, 144 Seneca Drive, is hereby appointed to the Permanent School Building Committee for a term ending 9/29/12.

A motion was made by Councilor Watson, seconded by Councilor Peruzzotti, that this matter be Adopted.

The motion carried unanimously

2011-0017 Reappointment of Margaret Frase to Housing Authority

RESOLUTION REAPPOINTING MARGARET FRASE TO THE HOUSING AUTHORITY

RESOLVED, that Margaret A. Frase, 598 New London Road, Mystic, is hereby reappointed as a member of the Housing Authority for a term ending 7/31/15.

A motion was made by Councilor Watson, seconded by Councilor Peruzzotti, that this matter be Adopted.

The motion carried unanimously

2011-0018 Reappointment of Ranjna Bindra to Library Board

RESOLUTION REAPPOINTING RANJNA BINDRA TO THE LIBRARY BOARD

for a term ending 12/31/13.

A motion was made by Councilor Watson, seconded by Councilor Peruzzotti, that this matter be Adopted.

The motion carried unanimously

2011-0019 Reappointment of Judy Leonard to Library Board

RESOLUTION REAPPOINTING JUDY LEONARD TO THE LIBRARY BOARD

RESOLVED, that Judy Leonard, 14 Sequin Drive, is hereby reappointed to the Library Board for a term ending 12/31/13.

A motion was made by Councilor Watson, seconded by Councilor Peruzzotti, that this matter be Adopted.

The motion carried unanimously

2011-0020 Reappointment of Jeffery Blevens to Jabez Smith House Committee

RESOLUTION REAPPOINTING JEFFERY BLEVENS TO THE JABEZ SMITH HOUSE COMMITTEE

WHEREAS, the Town Manager chooses to reappoint Jeffery Blevens to the Jabez Smith House Committee, and

WHEREAS, appointments to the Jabez Smith House Committee by the Town Manager require the formal consent of the Town Council, now therefore be it

RESOLVED, that Jeffery T. Blevens, 17 Ashby Street, Mystic, is hereby reappointed to the Jabez Smith House Committee for a term expiring 09/07/14.

A motion was made by Councilor Watson, seconded by Councilor Peruzzotti, that this matter be Adopted.

The motion carried unanimously

2011-0025 Scheduling of Pre-Budget Public Hearing on FYE 2012 Budget

RESOLUTION SETTING FYE 2012 PRE-BUDGET PUBLIC HEARING

WHEREAS, the Town Council desires to provide a formal opportunity for Citizen input on the FYE 2012 Budget prior to the Town Manager submitting the proposed budget, now therefore be it

RESOLVED, that the Town Council will hold a pre-budget public hearing on the FYE 2012 Town Budget on Tuesday, February 15, 2011 at 7:30 p.m. at the Town Hall Annex, Community Room 1.

A motion was made by Councilor Johnson, seconded by Councilor Kolnaski, that this matter be Adopted.

The motion carried unanimously

XI. OTHER BUSINESS

None.

XII. ADJOURNMENT

A motion to adjourn at 11:05 p.m. was made by Councilor Kolnaski, seconded by Councilor Watson and so voted unanimously.

Attest:

*Betsy Moukawsher, Town Clerk
Clerk of the Council*

Lori Watrous, Office Assistant